

SECOND SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appl. No. 09/407,804

Q79013

### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

#### LISTING OF CLAIMS:

1-8. (canceled).

9. (currently amended) An isolated, purified, or enriched nucleic acid sequence at least 90 nucleotides in length, wherein said sequence is at least 95% identical to ~~at least a portion of a~~ *Staphylococcus aureus* bacteriophage 77 open reading frame (ORF) selected from the group consisting of ORF 17 (SEQ ID NO: 4), ORF 19 (SEQ ID NO: 5), ORF 43 (SEQ ID NO: 6), ORF 102 (SEQ ID NO: 7), ORF 104 (SEQ ID NO: 8), and ORF 182 (SEQ ID NO: 9)-sequence.

10-11. (canceled).

12. (currently amended) A recombinant expression vector comprising a nucleic acid sequence at least 90 nucleotides in length, wherein said sequence is at least 95% identical to a *Staphylococcus aureus* bacteriophage 77 open reading frame (ORF) selected from the group consisting of ORF 17 (SEQ ID NO: 4), ORF 19 (SEQ ID NO: 5), ORF 43 (SEQ ID NO: 6), ORF 102 (SEQ ID NO: 7), ORF 104 (SEQ ID NO: 8), and ORF 182 (SEQ ID NO: 9) ~~24 nucleotides in length at least 95% identical to a portion of bacteriophage 77 open reading frame 17 (SEQ ID NO: 4), 19 (SEQ ID NO: 5), 43 (SEQ ID NO: 6), 102 (SEQ ID NO: 7), 104 (SEQ ID NO: 8), or 182 (SEQ ID NO: 9).~~

13. (currently amended) A ~~recombinant~~ cell comprising an expression vector, wherein said vector comprises a nucleic acid sequence at least 90 nucleotides in length, wherein

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said sequence is at least 95% identical to a *Staphylococcus aureus* bacteriophage 77 open reading frame (ORF) selected from the group consisting of ORF 17 (SEQ ID NO: 4), ORF 19 (SEQ ID NO: 5), ORF 43 (SEQ ID NO: 6), ORF 102 (SEQ ID NO: 7), ORF 104 (SEQ ID NO: 8), and ORF 182 (SEQ ID NO: 9)~~24 nucleotides in length at least 95% identical to at least a portion of bacteriophage 77 open reading frame 17 (SEQ ID NO: 4), 19 (SEQ ID NO: 5), 43 (SEQ ID NO: 6), 102 (SEQ ID NO: 7), 104 (SEQ ID NO: 8), or 182 (SEQ ID NO: 9).~~

14-32. (canceled).

33. (previously presented) The nucleic acid sequence of claim 9, wherein said open reading frame is open reading frame 17 (SEQ ID NO. 4).

34. (previously presented) The nucleic acid sequence of claim 9, wherein said open reading frame is open reading frame 19 (SEQ ID NO. 5).

35. (previously presented) The nucleic acid sequence of claim 9, wherein said open reading frame is open reading frame 43 (SEQ ID NO. 6).

36. (previously presented) The nucleic acid sequence of claim 9, wherein said open reading frame is open reading frame 102 (SEQ ID NO. 7).

37. (previously presented) The nucleic acid sequence of claim 9, wherein said open reading frame is open reading frame 104 (SEQ ID NO. 8).

38. (previously presented) The nucleic acid sequence of claim 9, wherein said open reading frame is open reading frame 182 (SEQ ID NO. 9).

39. (previously presented) The nucleic acid sequence of claim 9, wherein said nucleic acid is at least 120 nucleotides in length.

40-45. (canceled).

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46. (currently amended) The nucleic acid sequence of claim ~~910~~, wherein said nucleic acid sequence is transcriptionally linked with regulatory sequences enabling induction of expression of said sequence.

47-71. (canceled).

72. (currently amended) The vector of claim ~~1271~~, wherein expression of said nucleic acid sequence ORF is inducible.

73. (canceled).

74. (previously presented) The vector of claim 72, wherein said expression is inducible using arsenite inducible operator and promoter.

75. (previously presented) The cell of claim 13, wherein expression from said nucleic acid sequence in said expression vector is inducible.

76. (previously presented) The cell of claim 75, wherein said expression is inducible using arsenite inducible operator and promoter.

77. (new) A method for preparing a polypeptide encoded by nucleic acid sequence which is at least 90 nucleotides in length, wherein said sequence is at least 95% identical to a *Staphylococcus aureus* bacteriophage 77 open reading frame (ORF) selected from the group consisting of ORF 17 (SEQ ID NO: 4), ORF 19 (SEQ ID NO: 5), ORF 43 (SEQ ID NO: 6), ORF 102 (SEQ ID NO: 7), ORF 104 (SEQ ID NO: 8), and ORF 182 (SEQ ID NO: 9), said method comprising culturing a cell according to claim 13 under conditions promoting expression of said polypeptide and recovering the polypeptide so expressed.